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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,673	10/24/2000	Ciaran Murphy	922-115	3723
7590	03/15/2004		EXAMINER	
NIXON & VANDERHYE P.C. 8th Floor 1100 North Glebe Rd. Arlington, VA 22201-4714			MATTIS, JASON E	
			ART UNIT	PAPER NUMBER
			2665	3
DATE MAILED: 03/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/694,673	MURPHY, CIARAN
	Examiner	Art Unit
	Jason E Mattis	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2000.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract is not written in narrative form. For example, the abstract is written in the form of a claim using terms such as "comprising".

A new abstract needs to be submitted.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 rejected under 35 U.S.C. 102(e) as being anticipated by Sears et al. (U.S. Pat. 6681248).

With respect to claim 1, Sears et al. discloses a method for identifying an edge switch of a packet-based communication network (See the abstract of Sears et al. for reference to a method for tracking connectivity in a network). Sears et al. also discloses an edge switch having a port to which a user is connected (**See the abstract of Sears et al. for reference to tracking port connections**). Sears et al. further discloses sending a unicast request packet, a TRACE message, from a policy server, coordinating management component 62, to a specified user, at port 30 (**See column 3 lines 13-20, column 5 lines 42-45, item 30 in Figure 2, and item 62 in Figure 3 for reference to a receiver 34 of port 30 receiving a TRACE message from 36 and for reference to the TRACE message being initiated from the management entity, coordinating management component 62**). Sears et al. further discloses the unicast request, TRACE message, includes destination address data, an identifying address (**See column 3 lines 25-26 of Sears et al. for reference to the TRACE message including an identifying address**), and a selected identification code, a TRACE signature (**See column 5 lines 27-32 of Sears et al. for reference to the TRACE message including a TRACE signature**). Sears et al. also discloses detecting the selected identification code at the receiving port (**See column 3 lines 13-21 of Sears et al. for reference the receiver 3 of port 30 detecting a TRACE message**). Sears et al. further discloses diverting the packet to a management agent for the switch (**See column 3 lines 13-21 of Sears et al. for reference to reporting the TRACE message to the management entity, coordinating management component 62**). Sears et al. also discloses returning to the server, coordinating management component 62, an

identification of the switch and user (**See column 4 lines 13-16 and column 5 lines 42-59 of Sears et al. for reference to the coordinating management component 62 containing a port list which shows user connections and for reference to the port list being updated by the TRACE messages**).

With respect to claim 2, Sears et al. discloses causing the user to reply to the request packet, TRACE message by means of a reply packet including the identification code, the TRACE signature (**See column 5 lines 27-32 for reference to TRACE messages sent from the port to the coordinating management component 62 including a TRACE signature to distinguish the TRACE message from other messages**). Sears et al. also discloses detecting at the switch the identification code in the reply packet (**See column 5 lines 27-41 of Sears et al. for reference to a separate management entity receiving and detecting the TRACE message**).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Banwell et al. (U.S. Application 09/771313) discloses an auto-discovery method for management of network elements. Vasconcellos (U.S. Pat. 6003074) discloses a method for mapping the physical topology of a sub-network. Black (U.S. Pat. 5297138) discloses a method for determining physical topology across repeaters and bridges in a computer network. Dunn et al. (U.S. Pat. 6560648) discloses a method for network performance measurement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E Mattis whose telephone number is (703) 305-8702. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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